

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00387-CV

IN RE KYLE LUMPKIN

Original Proceeding
58th District Court of Jefferson County, Texas
Trial Cause No. A-202,559

MEMORANDUM OPINION

In this mandamus proceeding, Kyle Lumpkin seeks to compel the trial court to vacate a temporary restraining order and dismiss or abate the underlying action filed by Turbo Power Systems, Inc. through its sole shareholder, Daniel J. Mouton Sr. According to Lumpkin, the judge presiding over a divorce proceeding involving Mouton and his wife, Cathie L. Mouton, has dominant jurisdiction over matters that concern their rights.

In a motion for temporary relief, Lumpkin asks this Court to stay a temporary injunction hearing currently scheduled for October 11, 2018. A writ of mandamus is

an extraordinary remedy that will issue only to correct a clear abuse of discretion for which the relator has no adequate remedy by appeal. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). After considering the petition and examining the documents contained in the appendix, we conclude that Lumpkin has not established that he is entitled to mandamus relief. Accordingly, we deny the petition for a writ of mandamus and the motion for temporary relief. *See Tex. R. App. P. 52.8(a)*.

PETITION DENIED.

PER CURIAM

Submitted on October 9, 2018
Opinion Delivered October 10, 2018

Before Kreger, Horton and Johnson, JJ.